

**STATE OF CONNECTICUT  
CONNECTICUT EXAMINING BOARD FOR BARBERS,  
HAIRDRESSERS AND COSMETICIANS**

Allessandro Maieli

Petition No.: 2003-0502-020-005

**MEMORANDUM OF DECISION**  
*Procedural Background*

The Department of Public Health ("the Department") presented the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians ("the Board") with a Statement of Charges ("the Charges") brought against Allessandro Maieli ("respondent") dated September 22, 2003. Dept. Exh. A. The Charges and Notice of Hearing were sent to respondent via first class and certified mail on October 2, 2003. Rec. Exh. A.

Respondent filed an Answer to the Charges on October 24, 2003. Rec. Exh. B.

The hearing in this matter convened on October 27, 2003. Respondent appeared and was represented by Attorney William H. Paetzold; Attorney Joelle Newton represented the Department. Both parties were given opportunity to present evidence and argument on all issues and conduct cross-examination.

The Board conducted the hearing in accordance with Connecticut General Statute §4-166 et seq., (the Uniform Administrative Procedure Act) and §§19a-9-1 et seq. of the Regulations of Connecticut State Agencies ("the Regulations"). All Board members involved in this decision received copies of the entire record. All Board members involved in this decision attest that they have heard the case or read the record in its entirety. This decision is based entirely on the record. To the extent that the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst. Inc. v. S&H Computer Systems, Inc.*, 605 F.Supp. 816 (M.D. Tenn. 1985).

*Allegations*

1. In paragraph 1 of the Charges, the Department alleges that respondent is, and has been at all times referenced in the Charges, the holder of Connecticut hairdressing and cosmetology license number 040863.
2. In paragraph 2 of the Charges, the Department alleges that at all relevant times, respondent was practicing hairdressing and cosmetology at Salon Viso in Glastonbury, Connecticut.

3. In paragraph 3 of the Charges, the Department alleges that on or about February 22, 2003, respondent masturbated on victim #1 while washing her hair at Salon Viso.
4. In paragraph 4 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to the §20-263 of the Connecticut General Statutes.

### *Findings of Fact*

1. Respondent is the holder of Connecticut hairdressing and cosmetology license number 040863. Rec. Exh. B.
2. Respondent practiced hairdressing and cosmetology at Salon Viso in Glastonbury, Connecticut about five years ago. Rec. Exh. B; Resp. Exh. 1.
3. On or about February 22, 2003, respondent exposed himself to victim #1 while washing her hair, and later ejaculated in front of her at Salon Viso. Tr. 10/27/03, pp. 14,15; Rec. Exh. B; Resp. Exh. 1.
4. On April 8, 2003, respondent was arrested and charged with Public Indecency and Disorderly Conduct. Resp. Exh. 1.
5. A clinical psychological evaluation prepared by Dr. Gerald Faris on June 9, 2003, established that respondent does not possess any aggressive or hostile tendencies, that he does not suffer from any psychiatric condition, and that he is not a sexual predator. Resp. Exh. 1.
6. Respondent entered a plea of *nolo contendere* to the charge of Public Indecency and received six (6) months suspended sentence and a one-year probation. The conditions of his probation require that respondent: (1) initiate no contact with victim #1; (2) surrender his hairdresser's license pending disciplinary action by the Board; and, (3) undergo counseling as recommended by the Office of Adult Probation. Resp. Exh. 1.

### *Discussion and Conclusions of Law*

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S.Ct. 999, *reh'g denied*, 451 U.S. 933 (1981); *Swiller v. Commissioner of Public Health*, CV 950705601, Superior Court, J.D. Hartford/New Britain at Hartford, Memorandum filed October 10, 1995.

Section 20-263 of the Statutes provides, in pertinent part:

... The board may suspend the license of any registered hairdresser and cosmetician, and may revoke the hairdresser and cosmetician license of any person convicted of violating any provision of this chapter or any regulation adopted under this chapter or take any of the actions set forth in section 19a-17 for ... (5) illegal, incompetent, or negligent conduct in the course of professional activities . . . .

In this case, a preponderance of the evidence establishes that on February 22, 2003, respondent engaged in illegal conduct in the course of his professional activities by masturbating and exposing himself to a client while washing her hair. Although, the Department did not provide any testimony from victim #1, respondent does not contest the allegations made against him.

### *Order*

Pursuant to the authority vested in it by §§19a-17 and 20-263 of the Statutes, the Board orders:

1. Respondent shall pay a civil penalty of seven thousand five hundred dollars (\$7,500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable within six (6) months of the effective date of this Decision. Respondent shall face summary suspension of his Connecticut hairdressing and cosmetology license number 040863, if such payment is not made within six (6) months.
2. Respondent's license number 040863, to practice as a hairdresser in the State of Connecticut is hereby reprimanded.
3. Concurrently, respondent's license shall be placed on probation for a period of five (5) years under the following terms and conditions:
  - (A) Respondent shall participate in regularly scheduled therapy at his own expense with a licensed psychiatrist or psychologist pre-approved by the Department ("therapist").
    - (1) Respondent shall provide a copy of this Decision to his therapist.
    - (2) Respondent's therapist shall furnish written confirmation to the Department of his engagement in that capacity and receipt of a copy of this Decision within fifteen (15) days of receipt.

- (3) If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said termination of therapy, reduction in frequency of therapy sessions, and/or respondent's transfer to another therapist.
- (4) The therapist shall submit reports every three (3) months for the entire five (5) year probation, which shall address, but not necessarily be limited to, respondent's ability to practice hairdressing safely and competently. Said reports shall continue until the therapist determines that therapy is no longer necessary or the period of probation has terminated.
- (B) During the period of probation, respondent shall only practice as a hairdresser in an office and practice setting that includes visibility to other licensed barbers and/or hairdressers, subject to random monitoring by a Department representative.
- 5. Respondent shall be responsible for all costs associated with the satisfaction of the terms of this Memorandum of Decision.
- 6. Respondent shall inform the Department about change of employment in writing within ten days of such change.
- 7. All reports, correspondence and/or other communication with the Department and/or the Board required pursuant to this Order shall be sent to:

Bonnie Pinkerton  
Department of Public Health  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134-0308

- 8. Respondent shall inform the Department in writing of his current address and any change thereto during the period of probation. All notices provided to respondent will be sent to the most current address of respondent on file with the Department.

9. This Order shall become effective upon the signature of the Board.

June 7, 2004  
Date

Connecticut Examining Board for  
Barbers, Hairdressers and Cosmeticians

Kathleen F. Kiernan-Pagani  
By: Kathleen F. Kiernan-Pagani, Chairperson